



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL – RETURN RECEIPT REQUESTED

Ryan Bose, Area Operations Manager
Apache Corporation
303 Veterans Airpark Lane, Suite 1000
Midland, TX 79705
ryan.bose@apachecorp.com

Re: Notice of Violation and Opportunity to Confer

Dear Mr. Bose:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Notice of Violation and Opportunity to Confer (NOVOC) to Apache Corporation (Apache) under Section 113(a) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(a), for violations at Apache facilities located in Texas. This constitutes notice of a finding of violation under section 113(a)(1), 42 U.S.C. § 7413(a)(1). Based on information currently available, EPA finds that Apache is violating the Texas State Implementation Plan (TX SIP), including Texas permitting requirements. EPA also finds that Apache is violating the requirements and prohibitions of the Standards of Performance For Crude Oil and Natural Gas Facilities For Which Construction, Modification, or Reconstruction Commenced After September 18, 2015, 40 C.F.R. Part 60, Subpart OOOOa.

Section 113 of the Act, 42 U.S.C. § 7413, gives the EPA several enforcement options to resolve these violations. The EPA is offering Apache the opportunity to request a conference to discuss the violations identified in this NOVOC. Apache should request a conference call within ten days following receipt of this NOVOC. This conference will provide Apache an opportunity to present information on the identified violations, any efforts taken to comply, and the steps Apache will take to prevent future violations. Apache may have legal counsel on this conference call.

The EPA contact in this matter is Providence Spina. She can be reached at 202-564-2722 or spina.providence@epa.gov. Please contact Ms. Spina to request a conference.

The EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, please provide Ms. Spina your specific circumstances within ten days of receipt of this NOVOC for consideration in determining an appropriate time to schedule a conference, if requested.

Sincerely yours,

**Carroll,
Thomas**

Digitally signed by Carroll,
Thomas
Date: 2020.12.29
15:33:53 -05'00'

Thomas P. Carroll, Acting Director
Air Enforcement Division
Office of Civil Enforcement

cc: David Feather, HSE Manager, Apache
Travis Carnes, District Manager – NW District, Apache
Michael Miller, Office of Compliance and Enforcement, Texas Commission on
Environmental Quality
Steve Thompson, Chief, Air Enforcement Branch, EPA Region 6
Alexandrea Roland, Office of Regional Counsel, EPA Region 6
Providence Spina, Air Enforcement Division, EPA HQ
Dalva Moellenberg, Gallagher & Kennedy, Counsel for Apache Corporation
William Underwood, Gallagher & Kennedy, Counsel for Apache Corporation

Enclosure: Notice of Violation and Opportunity to Confer (NOVOC)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

**Apache Corporation
Midland, Texas**

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. § 7401 et seq

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**NOTICE OF VIOLATION AND
OPPORTUNITY TO CONFER**

The U.S. Environmental Protection Agency (EPA) is providing this Notice of Violation and Opportunity to Confer (NOVOC or Notice) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a) (the Act or CAA), to inform Apache Corporation (Apache) of violations set forth in detail in the paragraphs that follow.

Based on information currently available, the EPA finds that Apache is in violation of the requirements and prohibitions of the Texas State Implementation Plan (TX SIP), including Texas permitting requirements at certain oil and natural gas production facilities identified in this NOVOC that are located in Reeves County, Texas. The EPA also finds that Apache violated the Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced After September 18, 2015, 40 C.F.R. Part 60, Subpart OOOOa, at three oil and natural gas production facilities identified below.

The EPA is providing Apache with the opportunity to request a conference with us to discuss the violations alleged in the NOVOC. This conference will provide Apache with the opportunity to present information on the identified violations, any efforts it has undertaken to comply, and the steps it will take to prevent future violations. You may have legal counsel represent and accompany you at this conference.

I. Apache Corporation

1. Apache is an oil and exploration and production company incorporated in the State of Delaware and registered to transact business in the State of Texas. Apache's business includes the extraction and production of natural gas and oil at facilities including those located in Texas.
2. Apache's headquarters is located at 2000 Post Oak Boulevard, Suite 100, Houston, Texas 77056-4400.
3. Apache is the owner and operator of the oil and natural gas production facilities relevant to this NOVOC identified in Table 1.

4. EPA contracted helicopter flyovers for a portion of the Permian Basin during September 10, 2019, through October 3, 2019, to assess emission sources using Optical Gas Imaging (OGI) technology, a FLIR Model GF320. On September 11, 2019, EPA's contractor detected emissions at the four facilities listed in Table 1.
5. On November 26, 2019, EPA sent a letter informing Apache of potentially unauthorized emissions from facilities that EPA believed were owned/operated by Apache, along with an enclosed disk of OGI video captured for the facilities. For each facility, EPA asked Apache Corporation to verify ownership, provide current site-specific permit information, and take any necessary corrective action to address unauthorized hydrocarbon emissions. EPA considered information provided by Apache to determine whether violations occurred at the Facilities.

TABLE 1: IDENTIFICATION OF FACILITIES WHERE EPA'S CONTRACTOR DETECTED EMISSIONS USING OPTICAL GAS IMAGING ON SEPTEMBER 11, 2019

| Facility Name | TCEQ Regulated Entity No. ¹ | Physical Location ² |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------|
| Bull Run Central Tank Battery (CTB) | RN109817049 | 31.661743, -103.879092 Reeves County, Texas |
| Lee Central Tank Battery (CTB) | RN109817031 | 31.660685, -103.872956 Reeves County, Texas |
| Dixieland Lee Compressor Station (CS) | RN109817023 | 31.661765, -103.865762 Reeves County, Texas |
| Dixieland Grant Compressor Station (CS) | RN110115185 | 31.668856, -103.851049 Reeves County, Texas |
| ¹ TCEQ Regulated Entity No. is from TCEQ's standard permit registration response. | | |
| ² Physical Location was obtained during EPA's contracted helicopter flyovers on September 11, 2019. | | |

6. The EPA's findings from the flyover investigation are discussed in Section III (Factual Background) and Section IV (Violations).

II. Statutory and Regulatory Background

7. The purpose of the CAA is to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. CAA Section 101(b)(1), 42 U.S.C. § 7401(b)(1).

NSPS 40 C.F.R. Part 60, Subpart OOOOa

8. Section 111 of the CAA, 42 U.S.C. § 7411, authorizes the EPA to promulgate regulations establishing New Source Performance Standards (NSPS). Section 111(e) of the CAA, 42 U.S.C. § 7411(e), states that after the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

9. In 2016, pursuant to its authority under Section 111(b)(1) of the Act, EPA promulgated “Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015,” codified at 40 C.F.R. Part 60, Subpart OOOOa (NSPS Subpart OOOOa). EPA amended NSPS Subpart OOOOa in 2020.
10. Affected facilities that commence construction, modification, or reconstruction after September 18, 2015, are subject to NSPS Subpart OOOOa. 40 C.F.R. § 60.5360a.
11. Among the “affected facilities” subject to NSPS Subpart OOOOa are “storage vessel affected facilities.” 40 C.F.R. § 60.5365a(e). NSPS Subpart OOOOa at 40 C.F.R. § 60.5365a(e) specifies that a “storage vessel affected facility” is a single storage vessel with the potential for volatile organic compounds (VOC) emissions equal to or greater than 6 tons per year (tpy).
12. NSPS Subpart OOOOa requires owners and operators, at all times, to maintain and operate any affected facility including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. 40 C.F.R. § 60.5370a(b).
13. NSPS Subpart OOOOa defines “storage vessel” as a tank or other vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water, and that is constructed primarily of non-earthen materials (such as wood, concrete, steel, fiberglass, or plastic), which provide structural support. 40 C.F.R. § 60.5430a.

NSPS Subpart OOOOa Emissions Determination of 40 C.F.R. § 60.5365a(e)

14. According to NSPS Subpart OOOOa, to determine whether a storage vessel is a storage vessel affected facility subject to the requirements of NSPS Subpart OOOOa, the owner or operator shall, per the schedule specified in the regulation, perform an emissions determination of potential VOC emissions. As required under 40 C.F.R. § 60.5365a(e), owners or operators must calculate the potential for VOC emissions using a generally accepted model or calculation methodology, based on the maximum average daily throughput determined for a 30-day period of production.
15. NSPS Subpart OOOOa provides that the emissions determination may take into account requirements under a legally and practically enforceable limit in an operating permit or other requirement established under a federal, state, local, or tribal authority. 40 C.F.R. § 60.5365a(e).
16. NSPS Subpart OOOOa states that for owners and operators performing the emissions determination for storage vessels that are not subject to a legally and practically enforceable limit in an operating permit or other requirement established under federal, state, local, or tribal authority, any vapor from the storage vessel that is recovered and routed to a process through a vapor recovery unit (VRU) designed and operated as specified in 40 C.F.R. § 60.5365a(e)(3), is not required to be included in the

determination of potential VOC emissions (“the VOC potential to emit” or “PTE”), for the purpose of determining affected facility status, provided that the owner and operator complies with the following:

- a. The owner and operator must meet the cover requirements specified in 40 C.F.R. § 60.5411a(b). 40 C.F.R. § 60.5365a(e)(3)(i).
- b. The owner and operator must meet the closed vent system requirements specified in 40 C.F.R. § 60.5411a(c) and (d). 40 C.F.R. § 60.5365a(e)(3)(ii).
- c. The owner and operator must maintain records that document compliance with the two requirements listed above. 40 C.F.R. § 60.5365a(e)(3)(iii).
- d. The owner and operator must determine the storage vessel’s PTE within 30 days of the removal of an apparatus that recovers and routes vapor to a process, or operation that is inconsistent with 40 C.F.R. § 60.5365a(e)(3)(i) and (ii). 40 C.F.R. § 60.5365a(e)(3)(iv).

NSPS Subpart OOOOa Storage Vessel Affected Facilities VOC Standards of 40 C.F.R. § 60.5395a

17. NSPS Subpart OOOOa requires owners and operators of storage vessel affected facilities to reduce emissions by 95.0 percent within 60 days of startup. 40 C.F.R. § 60.5395a(a)(2).
18. NSPS Subpart OOOOa requires that if the owner or operator of a storage vessel affected facility uses a control device to reduce VOC emissions from a storage vessel affected facility, the owner or operator must equip the storage vessel as required by 40 C.F.R. § 60.5395a(b):
 - a. The storage vessel must be equipped with a cover that meets the requirements of 40 C.F.R. § 60.5411a(b);
 - b. The cover must be connected through a closed vent system that meets the requirements of 40 C.F.R. § 60.5411a(c) and (d); and
 - c. Emissions must be routed to a control device that meets the requirements of 40 C.F.R. § 60.5412a(c) or (d), or to a process. 40 C.F.R. § 60.5395a(b)(1).
19. NSPS Subpart OOOOa requires owners and operators of storage vessel affected facilities to demonstrate continuous compliance as specified in 40 C.F.R. § 60.5415a(e)(3). 40 C.F.R. § 60.5395a(d)(2).

NSPS Subpart OOOOa Initial Compliance Period of 40 C.F.R. § 60.5410a

20. NSPS Subpart OOOOa establishes an initial compliance period for each storage affected facility. 40 C.F.R. § 60.5410a.
21. NSPS Subpart OOOOa specifies the initial compliance period begins on August 2, 2016, or upon initial startup, whichever is later. The period ends no later than one year after the initial startup date or no later than one year after August 2, 2016. 40 C.F.R. § 60.5410a.

NSPS Subpart OOOOa Cover Requirements of 40 C.F.R. § 60.5411a(b)

22. NSPS Subpart OOOOa requires that owners and operators of storage vessel affected facilities or storage vessels following the VRU provisions of 40 C.F.R. § 60.5365a(e)(3) in their emission determination comply with the cover requirements of 40 C.F.R. § 60.5411a(b), as set forth in Paragraphs 24 and 25.
23. The cover and all openings on the cover (e.g., access hatches and pressure relief devices) shall form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel. 40 C.F.R. § 60.5411a(b)(1).
24. Each cover opening shall be secured in a closed, sealed position whenever material is in the unit, except during times when it is necessary to use an opening as provided below. 40 C.F.R. § 60.5411a(b)(2).
 - a. To add material to or remove material from the unit (this includes openings necessary to equalize or balance the internal pressure of the unit following changes in the level of the material in the unit);
 - b. To inspect or sample the material in the unit;
 - c. To inspect, maintain, repair, or replace equipment located inside the unit; or
 - d. To vent liquids, gases, or fumes from the unit through a closed-vent system designed and operated in accordance with the requirements of 40 C.F.R. § 60.5411a(c) and (d).
25. Each storage vessel thief hatch shall be equipped, maintained, and operated with a weighted mechanism or equivalent to ensure that the lid remains properly seated and sealed under normal operating conditions. The gasket material for the hatch must be selected based on composition of the fluid in the storage vessel and weather conditions. 40 C.F.R. § 60.5411a(b)(3).

NSPS Subpart OOOOa Closed Vent System Requirements of 40 C.F.R. § 60.5411a(c) and (d)

26. NSPS Subpart OOOOa requires that owners and operators of storage vessel affected facilities or storage vessels following the VRU provisions of 40 C.F.R. § 60.5365a(e)(3) in their emission determination comply with the closed vent system requirements of 40 C.F.R. § 60.5411a(c) and (d).

27. Owners and operators must design the closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in 40 C.F.R. § 60.5412a(d), or to a process. 40 C.F.R. § 60.5411a(c)(1).
28. Owners and operators must design and operate a closed vent system with no detectable emissions, as determined using olfactory, visual, and auditory (OVA) inspections. 40 C.F.R. § 60.5411a(c)(2).
29. Owners and operators are prohibited from using bypass devices on closed vent systems that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device or to a process, except for the following exceptions: Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the bypass device prohibition, and bypass devices are allowed if the owner or operator complies with the flow indicator and alarm requirements of 40 C.F.R. § 60.5411a(c)(3)(i)(A), or the requirements of 40 C.F.R. § 60.5411a(c)(3)(i)(B) for installing and securing a bypass device valve at the inlet to the bypass device in the non-diverting position using a car-seal or a lock-and-key type configuration.
30. Owners and operators must conduct an assessment that the closed vent system is of sufficient design and capacity to ensure that all vapors from the storage vessel are routed to the control device and that the control device is of sufficient design and capacity to accommodate all vapors from the affected facility and have it certified by a qualified professional engineer. 40 C.F.R. § 60.5411a(d).

NSPS Subpart OOOOa Control Device Requirements for Storage Vessel Affected Facilities of 40 C.F.R § 60.5412a(d)

31. Each control device used to meet the emission reduction standard for storage vessel affected facilities in 40 C.F.R § 60.5395a(a)(2) must meet the carbon adsorption system requirements of 40 C.F.R § 60.5412a(c), and/or the control device requirements of 40 C.F.R § 60.5412a(d).
32. NSPS Subpart OOOOa requires installation and operation of a continuous burning pilot flame for combustion control devices used to meet the emission reduction standard for storage vessel affected facilities in 40 C.F.R § 60.5395a(a)(2). 40 C.F.R. § 60.5412a(d)(1)(ii).
33. NSPS Subpart OOOOa requires flares used to meet the emission reduction standard for storage vessel affected facilities in 40 C.F.R § 60.5395a(a)(2) to be designed and operated in accordance with the requirements of 40 C.F.R § 60.18(b), which requires flares to be operated with a flame present at all times pursuant to 40 C.F.R § 60.18(c)(2). 40 C.F.R. § 60.5412a(d)(3).

34. NSPS Subpart OOOOa requires control devices used to meet the emission reduction standard for storage vessel affected facilities in 40 C.F.R. § 60.5395a(a)(2) to be operated at all times when gases, vapors, and fumes are vented from storage vessel affected facilities through a closed vent system to the control device. 40 C.F.R. § 60.5412a(d)(4).

NSPS Subpart OOOOa Continuous Compliance Requirements of 40 C.F.R. § 60.5415a(e)

35. NSPS Subpart OOOOa requires owners and operators of storage vessel affected facilities that use a control device to meet the emission reduction standard of 40 C.F.R. § 60.5395a(a)(2) to demonstrate continuous compliance with the following requirements specified in 40 C.F.R. § 60.5415a(e):
- a. Reduce VOC emissions by 95.0 percent as specified in 40 C.F.R. § 60.5395a(a)(2); and
 - b. Demonstrate continuous compliance with 40 C.F.R. § 60.5416a(c) for each cover and closed vent system and 40 C.F.R. § 60.5417a(h) for each control device.
36. NSPS Subpart OOOOa requires owners and operators of storage vessel affected facilities that route vapors to a process to meet the emission reduction standard of 40 C.F.R. § 60.5395a(a)(2) to demonstrate continuous compliance with the following requirements specified in 40 C.F.R. § 60.5415a(e):
- a. Reduce VOC emissions by 95.0 percent as specified in 40 C.F.R. § 60.5395a(a)(2); and
 - b. Demonstrate continuous compliance with 40 C.F.R. § 60.5416a(c) for each cover and closed vent system and 40 C.F.R. § 60.5411a(c)(2) and (3) for each closed vent system that routes emissions to a process.

NSPS Subpart OOOOa Notification, Reporting, and Recordkeeping Requirements of 40 C.F.R. § 60.5420a

37. NSPS Subpart OOOOa establishes notification, reporting, and recordkeeping requirements for affected facilities in 40 C.F.R. § 60.5420a. The provisions relevant to this NOVOC are specified below, however, other requirements may apply as listed in NSPS Subpart OOOOa.
38. NSPS Subpart OOOOa establishes that initial annual reports are due no later than 90 days after the end of the initial compliance period. The initial compliance period began on August 2, 2016, or begins upon initial startup, whichever is later, and ends no later than one year after the initial startup date for an affected facility, or no later than one year after August 2, 2016. 40 C.F.R. § 60.5410a. Subsequent reports are due no later than the same date each year as the initial annual report. 40 C.F.R. § 60.5420a(b).

39. NSPS Subpart OOOOa specifies that the reports for affected facilities must contain information including the company name, the US Well ID, the address or location, identification, beginning and ending dates of the reporting period, and certification of truth, accuracy, and completeness. 40 C.F.R. § 60.5420a(b)(1).
40. NSPS Subpart OOOOa annual reports for storage vessel affected facilities must include the identification and location of each storage vessel affected facility constructed, modified, or reconstructed during the reporting period. Annual reports must also include documentation of the VOC emission rate determination, records of deviations, and a statement indicating requirements have been met. Any storage vessel affected facility that is removed from service or returned to service during the reporting period must be noted. 40 C.F.R. § 60.5420a(b)(6).
41. NSPS Subpart OOOOa requires that all reports are submitted to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). The reports must be in the appropriate electronic form and appropriate format in CEDRI. If the reporting form is not available in CEDRI at the time the report is due, the report must be submitted to the Administrator at the appropriate address listed in 40 C.F.R. § 60.4. Once the form has been available for at least 90 calendar days, all subsequent reports must be submitted via CEDRI. The reports must be submitted by the deadlines, regardless of the method in which they are submitted. 40 C.F.R. § 60.5420a(b)(11).
42. All information required to be submitted to the EPA for NSPS Subpart OOOOa must also be submitted to the appropriate state agency to which authority has been delegated. 40 C.F.R. § 60.4(b).
43. The Texas Air Control Board (predecessor agency of the Texas Commission on Environmental Quality) was initially delegated authority for NSPS, effective February 7, 1979, for the State of Texas. 40 C.F.R. § 60.4(b)(45). *See* 44 Fed. Reg. 7,809 (February 7, 1979). The delegation was revised, effective December 28, 1982, for automatic delegation of existing and future standards. *See* 48 Fed. Reg. 20,693 (May 9, 1983).
44. NSPS Subpart OOOOa requires that owners and operators submit the certification signed by the qualified professional engineer according to 40 C.F.R. § 60.5411a(d) for each closed vent system routing to a control device or process. 40 C.F.R. § 60.5420a(b)(12).
45. NSPS Subpart OOOOa requires owners and operators to maintain the records identified in 40 C.F.R. §§ 60.7(f) and 60.5420a(c)(1)-(17). Records must be maintained either onsite or at the nearest local field office for at least five years. 40 C.F.R. § 60.5420a(c).

Texas Health and Safety Code, Chapter 382 - Clean Air Act (Texas Clean Air Act or TCAA)

46. Texas Health and Safety Code § 382.003(10) defines “person” as “an individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.”

47. Texas Health and Safety Code § 382.085(a) states that “[e]xcept as authorized by a commission rule or order, a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity that causes or contributes to, or that will cause or contribute to, air pollution.”

Texas State Implementation Plan (TX SIP)

48. Section 108(a) of the Act, 42 U.S.C. § 7408(a), requires the Administrator of the EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such “criteria” pollutant, Section 109 of the Act, 42 U.S.C. § 7409, requires the EPA to promulgate national ambient air quality standards (NAAQS) requisite to protect the public health and welfare.
49. Pursuant to Sections 108 and 109 of the Act, 42 U.S.C. §§ 7408 and 7409, the EPA has identified ozone, among others, as a criteria pollutant, and has promulgated NAAQS for ozone. Certain precursors to ozone formation, such as VOC and oxides of nitrogen (NO_x), are regulated as part of the air quality standards for ozone itself. 40 C.F.R. §§ 50.6 to 50.11.
50. Under Section 107(d) of the Act, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality either meets or does not meet the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular criteria pollutant is termed an “attainment” area with respect to such pollutant. An area that does not meet the NAAQS for a particular criteria pollutant is termed a “nonattainment” area with respect to such pollutant.
51. Section 110(a) of the Act, 42 U.S.C. § 7410(a), requires each state to adopt and submit to the Administrator of the EPA a plan that provides for implementation, maintenance, and enforcement, for each promulgated NAAQS, in each air quality control region (or portion thereof). Each such plan, known as a State Implementation Plan (SIP), must include enforceable emission limitations and other control measures as well as a permit program to regulate the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQSs are achieved. Section 110(a)(2)(A) of the Act, 42 U.S.C. § 7410(a)(2)(A). The SIP must also provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and, upon request, make such data available to the EPA. Section 110(a)(2)(B) of the Act, 42 U.S.C. § 7410(a)(2)(B).
52. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP and is

federally enforceable under Section 113.

53. Pursuant to Section 110 of the CAA, the State of Texas adopted regulations that comprise the SIP for Texas (the TX SIP). The TX SIP regulations as approved by the EPA are set forth in 40 C.F.R. § 52.2270(c).
54. At all times relevant to this Notice, Reeves County, Texas, where the relevant facilities owned and operated by Apache are located, has been classified as attainment for all criteria pollutants. However, there is no ozone air monitoring in Reeves County, Texas, and the closest ozone air quality monitors to the facilities listed in Table 1 are in nearby Lea County and Eddy County, New Mexico. During the 2016 through 2018 time period, Lea County and Eddy County, New Mexico measured above 95% of the NAAQS for ozone. Under New Mexico state law, the New Mexico Environment Department is required to adopt a plan, including regulations, to control emissions of NO_x and VOC to provide for attainment and maintenance of the standard.
55. Pursuant to 30 TAC § 3.2(25), which is applicable to provisions in Chapters 116, herein, “person” is defined as “[a]n individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.”
56. On September 27, 1995, EPA approved the Texas nonattainment SIP rule, 30 TAC, Chapter 116, Control of Air Pollution by Permits for New Construction or Modification (60 Fed. Reg. 49,781). Texas submitted and EPA approved revisions to this rule on September 17, 2008 (73 Fed. Reg. 53,716), March 20, 2009 (74 Fed. Reg. 11,851), and October 25, 2012 (77 Fed. Reg. 65,119). 40 C.F.R. § 52.2270(c).
57. Pursuant to 30 TAC § 116.10(1), General Definitions, “best available control technology (BACT)” is defined as “[a]n air pollution control method for a new or modified facility that through experience and research, has proven to be operational, obtainable, and capable of reducing or eliminating emissions from the facility, and is considered technically practical and economically reasonable for the facility. The emissions reduction can be achieved through technology such as the use of add-on control equipment or by enforceable changes in production processes, systems, methods, or work practice.”
58. Pursuant to 30 TAC § 116.10(4), General Definitions, “facility” is defined as a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment.
59. Pursuant to 30 TAC § 116.12(37), Nonattainment and Prevention of Significant Deterioration Review Definitions, “stationary source” is defined as “any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation 42 U.S.C. §§ 7401 *et seq.* [Title I of the Act].”

60. Pursuant to 30 TAC § 116.14(2), Standard Permit Definitions, “oil and gas facility” for the purposes of standard permits in Subchapter F of 30 TAC, Chapter 116, is defined as facilities which handle gases and liquids associated with the production, conditioning, processing, and pipeline transfer of fluids found in geologic formations beneath the earth’s surface. These oil and gas facilities include, but are not limited to: oil or gas production facilities; water injection facilities; carbon dioxide separation facilities; or oil or gas pipeline facilities consisting of one or more tanks, separators, dehydration units, free water knock-outs, gunbarrels, heater treaters, vapor recovery units, flares, pumps, internal combustion engines, gas turbines, compressors, natural gas liquid recovery units, or gas sweetening and other gas conditioning facilities. This definition does not include sulfur recovery units.
61. Pursuant to 30 TAC § 116.110(a), Applicability, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of the state of Texas, before any work is begun on the facility, is required to either obtain a permit under 30 TAC § 116.111, satisfy the conditions of a standard permit (under Subchapter F of 30 TAC, Chapter 116, Subchapter B of 30 TAC, Chapter 321, 30 TAC, Chapter 332, or Subchapter N of 30 TAC, Chapter 330), satisfy the conditions of a flexible permit under Subchapter G of 30 TAC, Chapter 116, satisfy the conditions of a permit by rule (PBR) under 30 TAC, Chapter 106, or satisfy the criteria for a *de minimis* facility or source under 30 TAC § 116.119.
62. Pursuant to 30 TAC § 116.110(b), Applicability, modifications to existing permitted facilities may be handled through the amendment of an existing permit.
63. Pursuant to 30 TAC § 116.111, General Application, to be granted a permit, amendment, or special permit amendment, the application must include a completed Form PI-1 General Application signed by an authorized representative of the applicant, and additional specified information.
64. Pursuant to 30 TAC § 116.111(a)(2)(C), General Application, the “[b]est available control technology (BACT) must be evaluated for and applied to all facilities subject to the TCAA.”
65. Pursuant to 30 TAC § 116.115(b)(2), General and Special Conditions, holders of permits, special permits, standard permits, and special exemptions must comply with the general conditions in 30 TAC § 116.115(b)(2)(A)-(H), if the permit or amendment was issued or amended on or after August 16, 1994, regardless of whether the general conditions are specifically stated within the permit document.
66. Pursuant to 30 TAC § 116.115(b)(2)(G), General and Special Conditions, permitted facilities are prohibited from operating unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations.

67. Pursuant to 30 TAC § 116.115(c), General and Special Conditions, holders of permits, special permits, standard permits, and special exemptions are required to comply with all special conditions contained in the permit document.
68. Pursuant to 30 TAC § 116.601(a), Types of Standard Permits, standard permits are either adopted by the commission in accordance with Texas Government Code, Chapter 2001, Subchapter B, into 30 TAC, Chapter 116, Subchapter F, or issued by the commission in accordance with 30 TAC § 116.603 of this title (relating to Public Participation in Issuance of Standard Permits).
69. Pursuant to 30 TAC § 116.602(a), Issuance of Standard Permits, the Texas Commission on Environmental Quality (TCEQ) may issue a standard permit under the public participation procedures in 30 TAC § 116.603 if TCEQ finds that the standard permit is enforceable, and TCEQ can adequately monitor compliance with the terms of the standard permit.
70. Pursuant to 30 TAC § 116.605, Standard Permit Amendment and Revocation, TCEQ may amend or revoke a standard permit after notice and comment as provided by 30 TAC §§ 116.603(b)-(f) and 116.605(c).
71. Pursuant to 30 TAC § 116.605(d), Standard Permit Amendment and Revocation, TCEQ may add or delete requirements or limitations to a standard permit through an amendment. The facility must comply with the amendment to the standard permit, by the later of either the deadline the commission provides in the amendment or the date the facility's registration to use the standard permit is required to be renewed. To remain authorized under an amended standard permit before the date the facility is required to comply with the amendment, a facility must comply with the standard permit, as it read before the amendment.
72. Pursuant to 30 TAC § 116.610(a), Applicability, if the construction or modification of a facility or a group of facilities submitted under the same registration meets the requirements of a TCEQ issued standard permit, the project is entitled to the standard permit, if the following additional requirements are met:
 - a. The project results in a net increase in emissions of air contaminants other than water, nitrogen, ethane, hydrogen, oxygen, or greenhouse gases (GHGs) as defined in 30 TAC § 101.1, or those for which a national ambient air quality standard has been established, the project must meet the emission limitations specified by the particular standard permit (or the emission limitations of 30 TAC § 106.261, if the standard permit does not specify emission limitations).
 - b. Construction or operation of the project is commenced prior to the effective date of a revision to the standard permit requirements of 30 TAC Chapter 116 under which the project would no longer meet the requirements for a standard permit.

- c. The proposed project complies with the applicable provisions of the CAA, § 111 (concerning New Source Performance Standards) as listed under 40 C.F.R. Part 60, promulgated by the EPA.
 - d. The proposed project complies with the applicable provisions of CAA, § 112 (concerning Hazardous Air Pollutants) as listed under 40 C.F.R. Part 61, promulgated by the EPA.
 - e. The proposed project complies with the applicable maximum achievable control technology standards as listed under 40 C.F.R. Part 63, promulgated by the EPA under CAA, § 112 or as listed under 30 TAC Chapter 113, Subchapter C of this title (relating to National Emissions Standards for Hazardous Air Pollutants for Source Categories (CAA, § 112, 40 C.F.R. Part 63)).
 - f. If subject to 30 TAC Chapter 101, Subchapter H, Division 3 (relating to Mass Emissions Cap and Trade Program) the proposed facility, group of facilities, or account must obtain allocations to operate.
73. Pursuant to 30 TAC § 116.610(b), Applicability, projects that constitute a new major stationary source or major modification as defined in 30 TAC § 116.12 (relating to Nonattainment and Prevention of Significant Deterioration Review Definitions) because of emissions of air contaminants other than greenhouse gases cannot use a standard permit. Notwithstanding any provision in any specific standard permit to the contrary, any project that constitutes a new major stationary source or major modification which is subject to Subchapter B, Division 6 of 30 TAC, Chapter 116 (relating to Prevention of Significant Deterioration Review) due solely to emissions of greenhouse gases may use a standard permit under this chapter for air contaminants that are not greenhouse gases.
74. Pursuant to 30 TAC § 116.610(c), Applicability, persons may not circumvent by artificial limitations the requirements of 30 TAC § 116.110.
75. Pursuant to 30 TAC § 116.611(a), Registration to Use a Standard Permit, if the standard permit requires registration, a registration must be submitted using the electronic method designated by the executive director for the applicable standard permit. If a designated electronic method is not available, the registration shall be sent by certified mail, return receipt requested, or hand delivered to the executive director, the appropriate commission regional office, and any local air pollution program with jurisdiction, before a standard permit can be used. The registration must be submitted using the required form and must document compliance with the requirements of 30 TAC § 116.611, including but not limited to: the basis of emission estimates; quantification of all emission increases and decreases associated with the project being registered; sufficient information as may be necessary to demonstrate that the project is not prohibited from using a standard permit by 30 TAC § 116.610(b); information that describes efforts to be taken to minimize any collateral emissions increases that will result from the project; a description of the project and related process; and a description of any equipment being installed.

76. Pursuant to 30 TAC § 116.611(b), Registration to Use a Standard Permit, construction may begin any time after receipt of written notification from the TCEQ's executive director that there are no objections or 45 days after receipt by the executive director of the registration, whichever occurs first, except where a different time period is specified for a particular standard permit or the source obtains a prevention of significant deterioration permit for greenhouse gases as provided in 30 TAC § 116.164(a) (relating to Prevention of Significant Deterioration Applicability for Greenhouse Gases Sources).
77. Pursuant to 30 TAC § 116.611(c), Registration to Use a Standard Permit, in order to avoid Title V permit applicability under 30 TAC, Chapter 122 (relating to Federal Operating Permits), a certified registration must be submitted to TCEQ. The certified registration must state the maximum allowable emission rates and must include documentation of the basis of emission estimates and a written statement by the registrant certifying that the maximum emission rates listed on the registration reflect the reasonably anticipated maximums for operation of the facility. The certified registration shall be amended if the basis of the emission estimates changes or the maximum emission rates listed on the registration no longer reflect the reasonably anticipated maximums for operation of the facility. Certified registrations must also be maintained in accordance with the requirements of § 116.115 of this title (relating to General and Special Conditions).
78. Pursuant to 30 TAC § 116.615, General Conditions, the general conditions of 30 TAC § 116.615 apply to standard permit holders.
79. Pursuant to 30 TAC § 116.615(2), General Conditions, all standard permit representations with regard to construction plans, operating procedures, pollution control methods, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under 30 TAC § 116.110. Any changes in representations are subject to the following requirements:
- a. For the addition of a new facility, the owner or operator must submit a new registration incorporating existing facilities prior to commencing construction. If the applicable standard permit requires public notice, construction of the new facility or facilities may not commence until the new registration has been issued by the executive director.
 - b. For any change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions, the owner or operator must submit written notification to the executive director describing the change(s), no later than 30 days after the change.

- c. For any other change to the representations, the owner or operator must submit written notification to the executive director describing the change(s) no later than 30 days after the change.
 - d. Any facility registered under a standard permit which contains conditions or procedures for addressing changes to the registered facility which differ from subparagraphs (a) - (c) above must comply with the applicable requirements of the standard permit in place of subparagraphs (a) - (c).
80. Pursuant to 30 TAC § 116.615(8), General Conditions, a copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the executive director, the United States Environmental Protection Agency, or any air pollution control agency having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include, but is not limited to, production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
81. Pursuant to 30 TAC § 116.615(9), General Conditions, the facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for emissions events and scheduled maintenance shall be made in accordance with § 101.201 and § 101.211 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; and Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).
82. Pursuant to 30 TAC § 116.615(10), General Conditions, registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition are applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control agency having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.

TCEQ Air Quality Standard Permit for Oil and Gas Handling and Production Facilities

83. TCEQ adopted a new air quality standard permit for oil and gas production facilities, the Oil and Gas Standard Permit (Non-rule) on January 26, 2011, in accordance with 30 TAC §§ 116.602 and 116.603. The Oil and Gas Standard Permit (Non-rule) became effective on April 1, 2011.
84. TCEQ adopted amendments to the Oil and Gas Standard Permit (Non-rule) on January 11, 2012, in accordance with 30 TAC § 116.605. The amended Oil and Gas Standard Permit (Non-rule) became effective on January 11, 2012. The amendments to the Oil and Gas Standard Permit (Non-rule) removed unnecessary, repetitive language, and made non-substantive corrections to typographical errors and formatting changes.
85. TCEQ adopted amendments to the Oil and Gas Standard Permit (Non-rule) on October 31, 2012, in accordance with 30 TAC § 116.605. The amended Oil and Gas Standard Permit (Non-rule) became effective on November 8, 2012 and remains effective. The amendments removed Archer, Bosque, Coryell, Clay, Comanche, Eastland, Shackelford, and Stephens counties from the applicability of the Oil and Gas Standard Permit (Non-rule).
86. Pursuant to Applicability, paragraph (a) of the Oil and Gas Standard Permit (Non-rule), the Oil and Gas Standard Permit (Non-rule) is applicable to all stationary facilities, or groups of facilities, at a site which handle gases and liquids associated with the production, conditioning, processing, and pipeline transfer of fluids or gases found in geologic formations on or beneath the earth's surface including, but not limited to, crude oil, natural gas, condensate, and produced water.
87. Pursuant to Applicability, paragraph (a)(1) of the Oil and Gas Standard Permit (Non-rule), the requirements in paragraphs (a)-(k) of the standard permit are applicable only for new projects and dependent facilities located in the Barnett Shale (Cooke, Dallas, Denton, Ellis, Erath, Hill, Hood, Jack, Johnson, Montague, Palo Pinto, Parker, Somervell, Tarrant, and Wise Counties) on or after April 1, 2011. For all other new projects and dependent facilities in all other counties of the state, paragraph (l) of the standard permit is applicable. However, according to TCEQ's website, accessed May 30, 2020, (https://www.tceq.texas.gov/permitting/air/newsourcereview/chemical/oil_and_gas_sp.ht [ml](#)), companies may voluntarily register projects which are constructed or modified outside the Barnett Shale counties on or after April 1, 2011, under the requirements in paragraphs (a)-(k) of the Oil and Gas Standard Permit (Non-rule).
88. Pursuant to Definitions and Scope, paragraph (b)(1) of the Oil and Gas Standard Permit (Non-rule), facility is a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source. Stationary sources associated with a mine, quarry, or well test lasting less than 72 hours are not considered facilities.
89. Pursuant to Definitions and Scope, paragraph (b)(3) of the Oil and Gas Standard Permit (Non-rule), OGS is defined as all facilities which meet the following:
- a. Located on contiguous or adjacent properties;

- b. Under common control of the same person (or persons under common control); and
 - c. Designated under same 2-digit standard industrial classification (SIC) codes.
90. Pursuant to Definitions and Scope, paragraph (b)(4) of the Oil and Gas Standard Permit (Non-rule), for purposes of determining applicability of 30 TAC Chapter 122, Federal Operating Permits, the definitions of 30 TAC § 122.10, General Definitions, apply.
91. Pursuant to Definitions and Scope, paragraph (b)(5) of the Oil and Gas Standard Permit (Non-rule), a project under the standard permit is defined as the following and must meet all requirements of this standard permit prior to construction or implementation of changes.
- a. Any new facility or new group of operationally dependent facilities at an OGS;
 - b. Physical changes to existing authorized facilities or group of facilities at an OGS which increase the potential to emit over previously registered emission limits; or
 - c. Operational changes to existing authorized facilities or group of facilities at an OGS which increase the potential to emit over previously registered emission limits.
92. Pursuant to Authorized Facilities, Changes and Activities, paragraph (c)(1) of the Oil and Gas Standard Permit (Non-rule), for existing OGS authorized by previous versions of the standard permit, all projects require registration, except for specifically listed projects including the addition of any piping, fugitive components, and any other new facilities that increase registered emissions less than or equal to 1.0 tons per year (tpy) VOC, 5.0 tpy nitrogen oxides (NOx), 0.01 tpy benzene, and 0.05 tpy, hydrogen sulfide (H₂S) over a rolling 12-month period, see paragraph (c)(1)(B)(i). Projects excepted from registration by paragraph (c)(1)(B) must be incorporated into the registration at the next revision or certification.
93. Pursuant to Authorized Facilities, Changes and Activities, paragraph (c)(3) of the Oil and Gas Standard Permit (Non-rule), to be eligible for the standard permit an applicant:
- a. Shall meet all applicable requirements as set forth in the standard permit;
 - b. Shall not misrepresent or fail to fully disclose all relevant facts in obtaining the permit; and
 - c. Shall not be indebted to the state for failure to make payment of penalties or taxes imposed by the statutes or rules within the commission's jurisdiction.
94. Pursuant to Facilities and Exclusions, paragraph (d)(1)(G) of the Oil and Gas Standard Permit (Non-rule), storage tanks for crude oil, condensate, produced water fuels, treatment chemicals, slop and sump oils and pressure tanks with liquified petroleum

gases, along with supporting infrastructure equipment and facilities, may be included in a registration.

95. Pursuant to Facilities and Exclusions, paragraph (d)(1)(J) of the Oil and Gas Standard Permit (Non-rule), control equipment, including vapor recovery systems, glycol and amine reboiler condensers, flares, vapor combustors, and thermal oxidizers, along with supporting infrastructure equipment and facilities, may be included in the registration.
96. Pursuant to Best Management Practices (BMP) and BACT Requirements, paragraph (e) of the Oil and Gas Standard Permit (Non-rule), registered projects and associated emissions control equipment are subject to and must comply with the requirements in paragraph (e).
97. Pursuant to BMP and BACT Requirements, paragraph (e)(1) of the Oil and Gas Standard Permit (Non-rule), all facilities which have the potential to emit air contaminants must be maintained in good working order and operated properly during facility operations. Operators must establish and maintain a program to replace, repair, and/or maintain facilities to keep them in good working order. The minimum requirements of this program include:
 - a. Compliance with manufacturer's specifications and recommended programs applicable to equipment performance and effect on emissions, or alternatively, an owner or operator developed maintenance plan for such equipment that is consistent with good air pollution control practices;
 - b. Cleaning and routine inspection of all equipment; and
 - c. Replacement and repair of equipment on schedules which prevent equipment failures and maintain performance.
98. Pursuant to BMP and BACT Requirements, paragraph (e)(5) of the Oil and Gas Standard Permit (Non-rule), all process equipment and storage facilities individually must meet the requirements listed in Table 10 in paragraph (m).
99. Pursuant to BMP and BACT Requirements, paragraph (e)(5) and Table 10 in paragraph (m), the row titled "Combined Control Requirements" with " ≥ 25 tpy VOC" require all continuous and periodic vents on process vessels and equipment with potential emissions containing $\geq 1\%$ VOC at any time, to be captured and directed to a listed BACT control device with a minimum design control efficiency of at least 95%, if the sum of the uncontrolled PTE of the vents at the site is equal or greater than 25 tpy of VOC. Up to 1 tpy of VOC may be exempted from the control requirement. To determine applicability for this control requirement, all the following streams and facilities must be included for this site-wide assessment:
 - a. For any gaseous vent stream with a concentration of 1% VOC must be considered for capture and control requirements; and

- b. For any liquid stream with a potential to emit of equal to or greater than 1 tpy VOC for each vessel or storage facility.
100. Pursuant to BMP and BACT Requirements, Table 10 in paragraph (m), the row titled “Atmospheric Oil/Water separators” with “Oil water separators where the material entering the separator may flash VOC, BTEX, H₂S” indicates oil water separators where the material entering the separator may flash VOC must be treated as process separators with a gas stream and follow those requirements.
101. Pursuant to BMP and BACT Requirements, Table 10 in paragraph (m), the row titled “All Tanks” with “Uncontrolled PTE of ≥ 1.0 tpy VOC or ≥ 0.1 tpy H₂S”, requires tank hatches and valves, which emit to the atmosphere, on tanks with uncontrolled PTE of ≥ 1.0 tpy VOC or ≥ 0.1 tpy H₂S, to remain closed except for sampling or planned maintenance activities. All pressure relief devices (PRD) must be designed and operated to ensure that proper pressure in the vessel is maintained and shall stay closed except in upset or malfunction conditions. If the PRD does not automatically reset, it must be reset within 24 hours at a manned site and within one week if located at an unmanned site.
102. Pursuant to BMP and BACT Requirements, Table 10 in paragraph (m), the row titled “Process Separators, Crude oil, Condensate, Treatment chemicals, Produced water, Fuel, Slop/Sump Oil and any other storage tanks or vessels that contain a VOC or a film of VOC on the surface of water” with “VOC with uncontrolled PTE of ≥ 5 tpy”, requires vents on tanks with uncontrolled VOC PTE ≥ 5 tpy to be captured and directed to an appropriate control device as listed in BMP and BACT Requirements, paragraph (e) of the Oil and Gas Standard Permit (Non-rule).
103. Pursuant to BMP and BACT Requirements, Table 10 in paragraph (m), the row titled “Process Separators, Crude oil, Condensate, Treatment chemicals, Produced water, Fuel, Slop/Sump Oil and any other storage tanks or vessels that contain a VOC or a film of VOC on the surface of water” with “VOC with uncontrolled PTE of ≥ 5 tpy” requires separator vents to be captured and directed to an appropriate control device as listed in standard permit (e) BMP and BACT.
104. Pursuant to BMP and BACT Requirements, paragraph (e)(6)(A) of the Oil and Gas Standard Permit (Non-rule), fugitive components associated with the project, including all seals and gaskets in VOC or H₂S service shall be installed, checked, and properly maintained to prevent leaking. All components shall be physically inspected quarterly for leaks.
105. Pursuant to BMP and BACT Requirements, paragraph (e)(6)(D) of the Oil and Gas Standard Permit (Non-rule), fugitive components associated with the project, including tank hatches not designed to be completely sealed, shall remain closed (but not completely sealed in order to maintain safe design functionality) except for sampling, gauging, loading, unloading, or planned maintenance activities.

106. Pursuant to BMP and BACT Requirements, paragraph (e)(11) of the Oil and Gas Standard Permit (Non-rule), flares used for control of emissions from production, planned MSS, emergency, or upset events may claim design destruction efficiency of 98% for VOCs and H₂S and 99% for VOCs containing no more than three carbon atoms that contain no elements other than carbon and hydrogen. All flares must be designed and operated in accordance with the following:
- a. Meet specifications for minimum heating values of waste gas, maximum tip velocity, and pilot flame monitoring found in 40 C.F.R. §60.18;
 - b. If necessary to ensure adequate combustion, sufficient gas shall be added to make the gases combustible;
 - c. An infrared monitor is considered equivalent to a thermocouple for flame monitoring purposes;
 - d. An automatic ignition system may be used in lieu of a continuous pilot; and, among other requirements; and
 - e. Flares must be lit at all times when gas streams are present.
107. Pursuant to Registration, Revision, and Renewal Requirements, paragraph (f)(5) of the Oil and Gas Standard Permit (Non-rule), any registration which meets the emission limitations of the standard permit must meet the following:
- a. Within 90 days after start of operation or implemented changes (whichever occurs first), the facilities must be registered with a PI-1S Standard Permit Application.
 - b. This registration must include a detailed summary of maximum emissions estimates based on site-specific or defined representative gas and liquid analysis; equipment design specifications and operations; material type and throughput; and other actual parameters essential for accuracy for determining emissions and compliance with all applicable requirements of this standard permit.
 - c. The fee for this registration shall be \$475 for small businesses, or \$850 for all others.
 - d. Construction may begin any time after receipt of written notification to the executive director. Operations may continue after receipt of registration if there are no objections or 45 days after receipt by the executive director of the registration, whichever occurs first.
108. Pursuant to paragraph (g) of the Oil and Gas Standard Permit (Non-rule), claims under the non-permit standard permit must comply with applicable requirements of 30 TAC §§ 116.610, 116.611, 116.614, and 116.615, except, as follows. The Oil and Gas Standard Permit (Non-rule) supersedes the notification requirements of 30 TAC § 116.615, and the emission limitations of 30 TAC § 116.610(a)(1).

Clean Air Act Title V Requirements

109. Title V of the CAA Amendments of 1990 requires the EPA to promulgate regulations that require and specify the minimum elements of State operating permit programs. The EPA published a final rule establishing a comprehensive State air quality permitting system consistent with the requirements of Title V of the CAA on July 21, 1992. The standards and procedures by which the EPA approves, oversees, and withdraws approval of State and tribal Title V operating permits programs are codified at 40 C.F.R. Part 70.
110. Title V of the CAA requires States to develop and submit to the EPA programs for issuing operating permits to major stationary sources and sources covered by NSPS under Section 111 of the CAA. 42 U.S.C. § 7661a(a). However, according to 40 C.F.R. § 70.3(b)(2), in the case of non-major sources subject to a standard or other requirement under either Section 111 or Section 112 of the CAA after July 21, 1992, the Administrator will determine whether to exempt any or all such applicable sources from the requirement to obtain an operating permit at the time that the new standard is promulgated. Pursuant to 40 C.F.R. § 60.5370a(c), non-major sources subject to NSPS Subpart OOOOa, are exempt from the requirement to obtain an operating permit.
111. Section 501 of the CAA, 42 U.S.C. § 7661, defines a major source as any stationary source (or group of stationary sources located within a contiguous area and under common control) that is either:
 - a. a “major source” as defined in Section 112 of the Act, 42 U.S.C § 7412, *i.e.*, “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants,” or
 - b. a “major stationary source” as defined in Section 302 of the Act, 42 U.S.C § 7602, *i.e.*, “any stationary facility or source of air pollutants which directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant.”
112. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and the implementing regulations at 40 C.F.R § 70.7(b) provide that, after the effective date of the state Title V permit program, no person may violate any requirement of a Title V permit or operate a source subject to a Title V permit except in compliance with a Title V permit.
113. EPA promulgated interim approval of the Texas Title V program on June 25, 1996. *See* 61 Fed. Reg. 32,693. EPA promulgated full approval of the Texas Title V program on November 30, 2001. *See* 66 Fed. Reg. 63,318, and 40 C.F.R. Part 70, Appendix A.
114. The Texas regulations governing the Title V permitting program are codified at Title 30 of the Texas Administrative Code (30 TAC), Chapter 122.

115. Section 503(c) of the Act, 42 U.S.C. § 7661b(c), sets forth the requirement to submit a timely, accurate, and complete application for a permit, including information required to be submitted with the application. See also 30 TAC §§ 122.130, 122.131, 122.132, and 122.133.
116. Section 504(a) of the Act, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a SIP. *See also* 30 TAC § 122.142.
117. Pursuant to 30 TAC § 122.10(1), General Definitions, “air pollutant” includes, among other listed regulated air pollutants, VOC.
118. Pursuant to 30 TAC § 122.10(13), General Definitions, the term “major source” includes any site that emits or has the potential to emit, in the aggregate, ten tpy or more of any single HAP listed under Section 112(b) of the Act, 42 U.S.C. § 7412(b), or 25 tpy or more of any combination of HAP listed under Section 112(b) of the Act, 42 U.S.C. § 7412(b); and any site, which directly emits or has the potential to emit, 100 tpy or more of any air pollutant (excluding fugitive emissions).
119. Pursuant to 30 TAC § 122.10(20), General Definitions, “potential to emit” is defined as “[t]he maximum capacity of a stationary source to emit any air pollutant under its physical and operational design or configuration” and that certified registrations established under 30 TAC § 116.611 (relating to Registration to Use a Standard Permit), or 30 TAC § 122.122 (relating to Potential to Emit) “restricting emissions or any physical or operational limitation on the capacity of a stationary source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the United States Environmental Protection Agency.”
120. Pursuant to 30 TAC § 122.10(27), General Definitions, “site” is defined as “[t]he total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).”
121. Pursuant to 30 TAC § 122.120(a)(1), Applicability, an owner or operator of any site that is a major source according to the definitions of 30 TAC § 122.10 is subject to the Title V permit requirements of 30 TAC, Chapter 122.
122. Pursuant to 30 TAC § 122.121, Prohibition on Operation, owners and operators of sites identified in 30 TAC § 122.120 “shall not operate emission units at those sites” without a Title V permit issued or granted under 30 TAC, Chapter 122.
123. Pursuant to 30 TAC § 122.122(a), Potential to Emit, “[f]or purposes of determining applicability of the Federal Operating Permit Program under 30 TAC, Chapter 122, the owner or operator of stationary sources without any other federally-enforceable emission

rate may limit their sources' potential to emit by maintaining a certified registration of emissions, which shall be federally enforceable. Emission rates in permits under” 30 TAC, Chapter 116 and certified registrations provided for under 30 TAC, Chapter 116 are also federally enforceable emission rates.

124. Pursuant to 30 TAC § 122.122(b), Potential to Emit, representations in registrations under 30 TAC, Chapter 116 (*e.g.*, standard permit registrations submitted as specified by 30 TAC § 116.611), and 30 TAC § 122.122, with regard to emissions, production or operational limits, monitoring, and reporting shall become conditions upon which the stationary source shall operate. It shall be unlawful for any person to vary from such representation unless the registration is first revised.
125. Pursuant to 30 TAC § 122.122(c), Potential to Emit, registration of emissions must include documentation of the basis of emission rates and a certification, in accordance with 30 TAC § 122.165, that the maximum emission rates listed on the registration reflect the reasonably anticipated maximums for operation of the stationary source.
126. Pursuant to 30 TAC § 122.122(d), Potential to Emit, in order to qualify for registrations of emissions for purposes of determining applicability of the Federal Operating Permit Program under 30 TAC, Chapter 122, the maximum emission rates listed in the registration must be less than those rates defined for a major source in 30 TAC § 122.10.
127. Pursuant to 30 TAC §§ 122.130(b)(1), Initial Application Due Dates, owners or operators of sites identified in 30 TAC § 122.120 that become subject to the Title V permit requirements of 30 TAC, Chapter 122 because they are new or become subject to the program as the result of changes at the site after February 1, 1998, are prohibited from operating the new emissions units or changes, before an abbreviated application as specified by 30 TAC §122.132(c) is submitted.
128. Pursuant to 30 TAC § 122.142(b)(2)(A), Permit Content Requirements, Title V permits must include the applicable requirements for each emissions unit at a site.
129. Pursuant to 30 TAC § 122.143(4), General Terms and Conditions, holders of Title V permits “shall comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit” and that failing to comply with the terms or conditions codified in the Title V permit “is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to comply with the permit terms and conditions of the permit.”

III. Factual Background

Permit Status

130. According to TCEQ's website, Status of Air New Source Review Permit Applications and Federal Air Operating Permit Applications, New Source Review Air Permits (<https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=airpermits.start>), accessed on November 30, 2020, Apache submitted to TCEQ the initial construction notifications required by paragraph (f)(5)(D) of the Oil and Gas Standard Permit (Non-rule) on June 15, 2017, for Bull Run CTB, Lee CTB, and Dixieland Lee CS, and on January 19, 2018, for Dixieland Grant CS.
131. According to TCEQ's website, Status of Air New Source Review Permit Applications and Federal Air Operating Permit Applications, Title V Federal Operating Permits (<https://www2.tceq.texas.gov/airperm/index.cfm?fuseaction=tv.start>), accessed on November 30, 2020, no applications, abbreviated or otherwise, have been submitted under 30 TAC, Chapter 122 to TCEQ by Apache Corporation for Bull Run CTB, Lee CTB, Dixieland Lee CS or Dixieland Grant CS, and no Title V operating permits under 30 TAC, Chapter 122 have been issued by TCEQ for Bull Run CTB, Lee CTB, Dixieland Lee CS, or Dixieland Grant CS.
132. The four oil and natural gas production facilities identified in Table 1, were constructed after September 18, 2015. Therefore, each storage vessel at these facilities that has a PTE equal to or greater than 6 tpy of VOC is an affected facility under NSPS Subpart OOOOa.
133. At the time of EPA's contracted helicopter flyovers on September 11, 2019, the four oil and natural gas production facilities identified in Table 1 were subject to the conditions of the Oil and Gas Standard Permit (Non-rule), effective November 8, 2012, according to standard permit registration forms submitted by Apache and response letters from TCEQ, as described in the following paragraphs.
134. Apache submitted standard permit registration forms dated January 31, 2018, for Bull Run CTB and the site is registered by TCEQ under Standard Permit Registration Number 147254. In their registration forms Apache represented that for the Bull Run CTB:
- a. The site consists of two (2) engines for electrical power, four (4) 1,000-bbl crude oil tanks (TK-1 – TK-4), four (4) 1,000-bbl produced water tanks (WTK-1 – WTK-4), one (1) 1,000-bbl produced water gunbarrel separator tank (GB-1), truck loading operations, and one (1) standard flare (FL-1);
 - b. Vapors from GB-1 and TK-1 – TK-4 are captured by electric VRU(s) or routed to FL-1 during VRU(s) downtime;
 - c. Vapors from WTK-1 – WTK-4 are vented to the atmosphere, captured by the VRU(s), or routed to FL-1 during VRU(s) downtime;
 - d. Captured vapors from truck loading are routed to FL-1;

- e. FL-1 achieves a 98% control efficiency for VOC other than propane, and a 99% control efficiency for propane; and
 - f. The sitewide VOC maximum estimated emissions rate is 97.50 tpy.
135. Apache submitted standard permit registration forms dated January 31, 2018, for Lee CTB and the site is registered by TCEQ under Standard Permit Registration Number 147253. In their registration forms Apache represented that for the Lee CTB:
- a. The site consists of two (2) engines for electrical power, four (4) 1,000-bbl crude oil tanks (TK-1 – TK-4), four (4) 1,000-bbl produced water tanks (WTK-1 – WTK-4), one (1) 1,000-bbl produced water gunbarrel separator tank (GB-1), truck loading operations, and one (1) standard flare (FL-1);
 - b. Vapors from GB-1 and TK-1 – TK-4 are captured by electric VRU(s) or routed to FL-1 during VRU(s) downtime;
 - c. Vapors from WTK-1 – WTK-4 are vented to the atmosphere, captured by the VRU(s), or routed to FL-1 during VRU(s) downtime;
 - d. Captured vapors from truck loading are routed to FL-1;
 - e. FL-1 achieves a 98% control efficiency for VOC other than propane, and a 99% control efficiency for propane; and
 - f. The sitewide VOC maximum estimated emissions rate is 97.50 tpy.
136. In a memorandum to TCEQ dated April 2018, provided by Apache, Apache indicates that a new duplicate standard flare (FL-2) was added to the Lee CTB site. The memorandum indicates that with the addition of FL-2, the existing emissions sources will be controlled by either FL-1 or FL-2. Therefore, per the representations and pursuant to the Oil and Gas Standard Permit (Non-rule), paragraph (c)(1)(B), there was no increase in associated emissions for FL-1, and the addition of FL-2 did not result in an increase in emissions over 1.0 tpy of VOC, 5.0 tpy nitrogen oxides (NO_x), 0.01 tpy benzene, and 0.05 tpy H₂S.
137. Apache submitted standard permit registration forms dated September 7, 2018, for a modification of Dixieland Lee CS. The site is registered by TCEQ under Standard Permit Registration Number 147252. In their registration forms for the modification, Apache represented that for the Dixieland Lee CS:
- a. One (1) 400-bbl condensate tank, one (1) enclosed flare (FL-1), and one (1) compressor engine with compressor were added to the site;
 - b. The modified site now consists of seven (7) compressor engines with compressors, three (3) engine driven electrical power generators, one (1) 60-MMSCFD triethylene glycol (TEG) dehydration unit (DEHY-1) with glycol reboiler, two (2) 400-bbl

condensate tanks (CTK-1 – CTK-2), one (1) 400-bbl slop water tank (STK-1), truck loading operations, and one (1) enclosed flare (FL-1);

- c. Gas from the slug catcher is compressed and routed to DEHY-1;
 - d. Flash tank off-gases from DEHY-1 are captured by a VRU or routed to enclosed flare (FL-1) via the storage tanks;
 - e. Condensate from the slug catcher, compression discharge, and DEHY-1 is stored in CTK-1 – CTK-2;
 - f. Slop water from the slug catcher is stored in STK-1;
 - g. Condensate truck loading vapors are captured by the VRU;
 - h. The destruction efficiency of FL-1 is 98%;
 - i. Vapors from CTK-1 – CTK-2 and STK-1 are captured by the VRU or routed to FL-1; and
 - j. The sitewide VOC maximum estimated emissions rate is 99.28 tpy.
138. Apache submitted standard permit registration forms dated April 29, 2019, for a modification of Dixieland Grant CS. The site is registered by TCEQ under Standard Permit Registration Number 150102. In their registration forms for the modification, Apache represented that for Dixieland Grant CS:
- a. One enclosed flare (FL-1) was added to the site;
 - b. The modified site now consists of five (5) compressor engines with compressors, two (2) engine driven electrical power generators, two (2) 20-MMSCFD TEG dehydration units (DEHY-1 – DEHY-2) and glycol reboilers, one (1) 500-bbl condensate tank (CTK-1), two (2) 1,000-bbl slop water tanks (STK-1 – STK-2), truck loading operations, and one (1) enclosed flare (FL-1);
 - c. Gas from the slug catcher is compressed and routed to DEHY-1 or DEHY-2;
 - d. Flash tank off-gases from DEHY-1 and DEHY-2 are used as fuel for the reboilers with the excess routed to the storage tanks for capture by the VRU or routed to the enclosed flare (FL-1);
 - e. Slop water from the slug catcher is collected in (STK-1 – STK-2);
 - f. Residual condensate is skimmed off from STK-1 – STK-2 and stored in CTK-1;

- g. Vapors from STK-1 – STK-2 and CTK-1 are captured by the VRU or routed to FL-1; and
 - h. The sitewide VOC maximum estimated emissions rate is 97.52 tpy.
139. In the standard permit registration forms submitted to TCEQ for Bull Run CTB, dated January 31, 2018, Apache represented per tank uncontrolled VOC emissions and the sitewide VOC maximum estimated emissions (see Table 2).
140. Apache represented in their registration forms submitted to TCEQ for Bull Run CTB dated January 31, 2018, that:
- a. 100% of the VOC emissions from four (4) 1000-bbl crude oil tanks (TK-1 - TK-4), and one (1) 1000-bbl produced water tank (GB-1) are either captured with a VRU or routed to Standard Flare (FL-1);
 - b. VRU downtime will not exceed 2,190 hours per year (25%);
 - c. Standard Flare (FL-1) achieves a 98% control efficiency for VOC other than propane, and a 99% control efficiency for propane;
 - d. The uncontrolled emissions from crude oil tanks (TK-1 - TK-4), four (4) 1000-bbl produced water tanks (WTK-1 – WTK-4) and produced water tank (GB-1) are gaseous vent streams that contain greater than 1% VOC;
 - e. The liquid streams entering crude oil tanks (TK-1 - TK-4), and produced water tank (GB-1) have a potential to emit greater than 1 tpy VOC for each vessel;
 - f. The uncontrolled emissions from the combination of the crude oil tanks (TK-1 - TK-4), produced water tanks (WTK-1 – WTK-4) and produced water tank (GB-1) are 1,932.44 tpy (greater than 25 tpy VOC);
 - g. The uncontrolled emissions from each crude oil tank (TK-1 - TK-4) are greater than 5 tpy; and
 - h. The uncontrolled emissions from produced water gunbarrel separator tank (GB-1), which is an oil water separator where the material entering the separator may flash VOC, are greater than 5 tpy.

TABLE 2: BULL RUN CTB STANDARD PERMIT REGISTRATION FORM REPRESENTATIONS DATED JANUARY 31, 2018

| | | |
|---------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Bull Run CTB | RN109817049: Standard Permit Registration Number 147254 Sitewide VOC maximum estimated emissions: 97.5 tpy | |
| Tank Type (Unit ID) | No. of Tanks | Uncontrolled VOC emissions (per tank) |

| | | |
|------------------------------------------------|---|-------------|
| Crude Oil Tanks (TK-1 – TK-4) | 4 | 1470.67 tpy |
| Produced Water Tanks (WTK-1 – WTK-4) | 4 | 1.63 tpy |
| Produced Water Gunbarrel Separator Tank (GB-1) | 1 | 460.14 |

141. In the standard permit registration forms submitted to TCEQ for Lee CTB, dated January 31, 2018, Apache represented per tank uncontrolled VOC emissions and the sitewide VOC maximum estimated emissions (see Table 3).
142. Apache represented in their registration forms submitted to TCEQ for Lee CTB dated January 31, 2018, that:
- 100% of VOC emissions from the four (4) 1000-bbl crude oil tanks (TK-1 - TK-4), and one (1) 1000-bbl produced water tank (GB-1) are either captured with a VRU or routed to Standard Flare (FL-1);
 - VRU downtime will not exceed 2,190 hours per year (25%);
 - Standard Flare (FL-1) achieves a 98% control efficiency for VOC other than propane, and a 99% control efficiency for propane;
 - The uncontrolled emissions from crude oil tanks (TK-1 - TK-4), four (4) 1000-bbl produced water tanks (WTK-1 – WTK-4) and produced water tank (GB-1) are gaseous vent streams that contain greater than 1% VOC;
 - The liquid streams entering crude oil tanks (TK-1 - TK-4), and produced water tank (GB-1) have a potential to emit greater than 1 tpy VOC for each vessel;
 - The uncontrolled emissions from the combination of the crude oil tanks (TK-1 - TK-4), produced water tanks (WTK-1 – WTK-4) and produced water tank (GB-1) are 2,594.36 tpy VOC (greater than 25 tpy VOC);
 - The uncontrolled emissions from each crude oil tank (TK-1 - TK-4) are greater than 5 tpy; and
 - The uncontrolled emissions from produced water gunbarrel separator tank (GB-1), which is an oil water separator where the material entering the separator may flash VOC, are greater than 5 tpy.

TABLE 3: LEE CTB STANDARD PERMIT REGISTRATION FORM REPRESENTATIONS
DATED JANUARY 31, 2018

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Lee CTB | RN109817031: Standard Permit Registration Number 147253 Sitewide VOC maximum estimated emissions: 97.69 tpy ¹ | |
| Tank Type (Unit ID) | No. of Tanks | Uncontrolled VOC emissions (per tank) |
| Crude Oil Tanks (TK-1 – TK-4) | 4 | 1476.51 tpy |
| Produced Water Tanks (WTK-1 – WTH-4) | 4 | 1.63 tpy |
| Produced Water Gunbarrel Separator Tank (GB-1) | 1 | 536.05 tpy |
| ¹ Sitewide maximum calculated VOC emissions for Lee CTB were updated via “Flare Memorandum” from Apache dated April 2018. | | |

143. In a memorandum to TCEQ dated April 2018, provided by Apache, Apache indicates that a duplicate standard flare (FL-2) was added to Lee CTB. The memorandum indicates the new Standard Flare (FL-2) achieves a 98% control efficiency for VOC other than propane, and a 99% control efficiency for propane, and that sitewide VOC maximum estimated emissions, with the addition of FL-2, increased from 97.5 tpy to 97.69 tpy.
144. Apache represented in their most recent registration forms submitted to TCEQ for Dixieland Lee CS dated September 7, 2018, per tank uncontrolled VOC emissions and the sitewide VOC maximum estimated emissions (see Table 4).

TABLE 4: DIXIELAND LEE CS STANDARD PERMIT REGISTRATION FORM REPRESENTATIONS DATED SEPTEMBER 7, 2018

| | | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Dixieland Lee CS | RN109817023: Standard Permit Registration Number 147252 Sitewide VOC maximum estimated emissions: 99.28 tpy | |
| Tank Type (Unit ID) | No. of Tanks | Uncontrolled VOC emissions (per tank) |
| Condensate Tanks (CTK-1 - CTK-2) | 2 | 43.58 tpy |
| Slop Water Tank (STK-1) | 1 | 3.07 tpy |

145. In the standard permit registration forms submitted to TCEQ for Dixieland Lee CS, dated September 7, 2018, Apache provided representations for a modification project, where throughputs were updated and one (1) 400-bbl condensate tank, one (1) enclosed flare (FL-1), one (1) engine and related fugitive and maintenance emissions were added. The modified site as represented now consists of ten (10) engines, one (1) 60-MMSCFD triethylene glycol (TEG) dehydration unit (DEHY-1) and glycol reboiler, two (2) 400-bbl condensate tanks (CTK-1 – CTK-2), one (1) 400-bbl slop water tank (STK-1), truck loading operations, one (1) enclosed flare (FL-1), emissions from fugitive sources, planned maintenance, startup, and shutdown emissions, and compressor blowdowns.

146. Apache represented in their registration forms submitted to TCEQ for Dixieland Lee CS, dated September 7, 2018, that:
- a. 98% of VOC emissions from condensate tanks (CTK-1 - CTK-2) and slop water tank (STK-1), and off-gas VOC emissions from DEHY-1 are captured with a VRU, or that 100% of the emissions are captured and routed to the enclosed flare (FL-1), which has a represented control efficiency of 98%;
 - b. The uncontrolled emissions from condensate tanks (CTK-1 - CTK-2), slop water tank (STK-1) and off-gas emissions from DEHY-1 are gaseous vent streams that contain greater than 1% VOC;
 - c. The liquid streams entering condensate tanks (CTK-1 - CTK-2) and slop water tank (STK-1) have a potential to emit greater than 1 tpy VOC for each vessel;
 - d. The uncontrolled emissions from the combination of the condensate tanks (CTK-1 - CTK-2), slop water tank (STK-1) and off-gas emissions from DEHY-1 are 2,594.36 tpy VOC (greater than 25 tpy VOC); and
 - e. The uncontrolled emissions from each condensate tank (CTK-1 - CTK-2) are greater than 5 tpy.
147. Apache represented in their most recent registration forms submitted to TCEQ for Dixieland Grant CS per tank uncontrolled VOC emissions and the sitewide VOC maximum estimated emissions (see Table 5).

TABLE 5: DIXIELAND GRANT CS STANDARD PERMIT REGISTRATION FORM REPRESENTATIONS DATED APRIL 29, 2019

| Dixieland Grant CS | RN110115185: Standard Permit Registration Number 150102 Sitewide VOC maximum estimated emissions: 97.52 tpy | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Tank Type (Unit ID) | No. of Tanks | Uncontrolled VOC emissions (per tank) |
| Condensate Tank (CTK-1) | 1 | 4.71 tpy |
| Slop Water Tanks (STK-1 – STK-2) | 2 | 0.93 tpy |

148. In the standard permit registration forms submitted to TCEQ for Dixieland Grant CS, dated April 29, 2019, Apache provided representations for a modification project, where one (1) enclosed flare (FL-1) was added. The modified site as represented will now consists of seven (7) engines, two (2) TEG dehydration units (DEHY-1 – DEHY-2) and glycol reboilers, one (1) 500-bbl condensate tank, two (2) 1,000-bbl slop water tanks, truck loading operations, one (1) enclosed flare (FL-1), emissions from fugitive sources, planned maintenance, startup, and shutdown emissions, and compressor blowdowns.

149. Apache represented in their registration forms submitted to TCEQ for Dixieland Grant CS, dated April 29, 2019, that:
- a. 98% of VOC emissions from condensate tank (CTK-1) and slop water tanks (STK-1 – STK-2), and off-gas VOC emissions from DEHY-1 and DEHY-2 are captured with a VRU, or that 100% of the VOC emissions are captured and routed to enclosed flare (FL-1), which has a represented control efficiency of 98%;
 - b. that slop water tanks (STK-1 – STK-2) are oil water separators where the material entering the separator may flash VOC;
 - c. The uncontrolled emissions from condensate tank (CTK-1), slop water tanks (STK-1 – STK-2) and off-gas emissions from DEHY-1 and DEHY-2 are gaseous vent streams that contain greater than 1% VOC;
 - d. The liquid stream entering condensate tank (CTK-1) has a potential to emit greater than 1 tpy VOC; and
 - e. The uncontrolled emissions from the combination of the condensate tank (CTK-1), slop water tanks (STK-1 – STK-2) and off-gas emissions from DEHY-1 and DEHY-2 are 2,073.88 tpy VOC (greater than 25 tpy VOC).

EPA's Helicopter Flyover Findings

150. During EPA's helicopter flyovers to assess emission sources using OGI technology, on September 11, 2019, EPA's contractor detected VOC emissions venting to atmosphere at the following sites:
- a. Bull Run CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1, and crude oil tanks (TK-1 – TK-4);
 - b. Lee CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1, and crude oil tanks (TK-1 – TK-4), and venting from an unlit standard flare (FL-1 or FL-2), which controls VOC vapors from GB-1 and TK-1 – TK-4;
 - c. Dixieland Lee CS, where VOC emissions were detected venting from condensate tanks (CTK-1 - CTK-2) and slop water tank (STK-1), and/or pressure relief valve(s) on the closed vent system for CTK-1 - CTK-2 and STK-1; and
 - d. Dixieland Grant CS, where VOC emissions were detected venting from condensate tank (CTK-1) and slop water tanks (STK-1 – STK-2), and/or pressure relief valve(s) on the closed vent system for CTK-1 and STK-1 – STK-2.

IV. Violations

COUNT 1: Violation of 30 TAC § 116.110(a), for failure to obtain a permit under 30 TAC § 116.111 or satisfy the conditions of a standard permit at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS on September 11, 2019.

151. Apache failed to satisfy the conditions of the Oil and Gas Standard Permit (Non-rule), effective November 8, 2012, at Bull Run CTB, Lee CTB, Dixieland Lee CS and Dixieland Grant CS on September 11, 2019, because Apache failed to comply with:
- a. Authorized Facilities, Changes and Activities, paragraph (c)(3), Apache failed to comply with the applicable requirements in the standard permit (see applicable requirements described in subparagraphs (b) through (f) below);
 - b. BMP and BACT Requirements, paragraph (e)(1), Apache failed to maintain all facilities which have the potential to emit air contaminants in good working order and operating properly during facility operations, and by failing to establish and maintain a program to replace, repair, and/or maintain facilities to keep them in good working order (see Count 6);
 - c. BMP and BACT Requirements, paragraph (e)(5), Table 10 in paragraph (m), combined control requirements for process equipment and storage facilities, Apache failed to capture and route all continuous and periodic vents on process vessels and equipment with potential emissions containing $\geq 1\%$ VOC to a BACT listed control device, based on the venting VOC emissions detected by OGI as follows:
 - i. Bull Run CTB, from produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 – TK-4);
 - ii. Lee CTB, from produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 – TK-4);
 - iii. Dixieland Lee CS, from condensate tanks (CTK-1 - CTK-2) and slop water tank (STK-1), and/or pressure relief valve(s) on the closed vent system for CTK-1 – CTK-2, STK-1 and flash tank off-gases from DEHY-1; and
 - iv. Dixieland Grant CS, from condensate tank (CTK-1) and slop water tanks (STK-1 – STK-2), and/or pressure relief valves on the closed vent system for CTK-1, STK-1 -STK-2 and flash tank off-gases from DEHY-1 and DEHY-2.
 - d. BMP and BACT Requirements, paragraph (e)(5), Table 10 in paragraph (m), control requirements for “Process Separators, Crude oil, Condensate, Treatment chemicals, Produced water, Fuel, Slop/Sump Oil and any other storage tanks or vessels that

contain a VOC or a film of VOC on the surface of water” with “VOC with uncontrolled PTE of ≥ 5 tpy”, Apache failed to capture and direct vents from subject equipment to a BACT listed control device, based on the venting VOC emissions detected by OGI as follows:

- i. Bull Run CTB, from produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 – TK-4);
 - ii. Lee CTB, from produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 – TK-4); and
 - iii. Dixieland Lee CS, from condensate tanks (CTK-1 - CTK-2), and/or pressure relief valve(s) on the closed vent system for CTK-1 – CTK-2.
- e. BMP and BACT Requirements, paragraph (e)(11)(E), at Lee CTB, Apache failed keep all flares lit at all times when gas streams are present based on the venting VOC emissions detected by OGI from an unlit standard flare (FL-1 or FL-2), which controls VOC vapors from produced water gunbarrel separator tank (GB-1) and crude oil tanks (TK-1 – TK-4); and
- f. Paragraph (g), Apache failed to comply with requirements of applicable standard permit general conditions as follows:
- i. 30 TAC § 116.615(2), Apache failed to adhere to standard permit registration representations (see Count 2); and
 - ii. 30 TAC § 116.615(9), Apache failed to comply with maintenance of emissions control requirements (see Count 3).
152. By failing to satisfy the conditions of Oil and Gas Standard Permit (Non-rule), effective November 8, 2012, at Bull Run CTB, Lee CTB, Dixieland Lee CS and Dixieland Grant CS on September 11, 2019, and according to Authorized Facilities, Changes and Activities, paragraph (c)(3) of the Oil and Gas Standard Permit (Non-rule), Apache is ineligible for the standard permit, and Apache violated 30 TAC § 116.110(a), because Apache failed to obtain a permit under 30 TAC § 116.111.

COUNT 2: Violation of 30 TAC §§ 116.615(2) and 122.122(b), for failure to adhere to certified standard permit registration representations at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS on September 11, 2019.

153. Apache failed to adhere to standard permit registration representations, for the Oil and Gas Standard Permit (Non-rule), effective November 8, 2012, at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS on September 11, 2019, based on the venting VOC emissions detected by OGI as follows:

- a. Bull Run CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 - TK-4), Apache failed to adhere to the represented capture efficiency of the VOC emissions from TK-1 - TK-4 and GB-1;
 - b. Lee CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 - TK-4), and venting from an unlit standard flare (FL-1 or FL-2), which controls VOC vapors from GB-1 and TK-1 – TK-4, Apache failed to adhere to the represented:
 - i. 100% of VOC emissions from the crude oil tanks (TK-1 - TK-4), and produced water tank (GB-1) are either captured with a VRU or routed to a standard flare (FL-1 or FL-2); and
 - ii. Control efficiency of the unlit standard flare (FL-1 or FL-2), which failed to achieve a 98% control efficiency for VOC other than propane, or a 99% control efficiency for propane.
 - c. Dixieland Lee CS, where VOC emissions were detected venting from condensate tanks (CTK-1 - CTK-2) and slop water tank (STK-1), and/or pressure relief valve(s) on the closed vent system for CTK-1 – CTK-2, STK-1 and flash tank off-gases from DEHY-1, Apache failed to adhere to the represented capture efficiency of VOC emissions from CTK-1 - CTK-2, STK-1 and flash tank off-gas emissions from DEHY-1 are captured with a VRU, or that 100% of the emissions are captured and routed to the enclosed flare (FL-1); and
 - d. Dixieland Grant CS, where VOC emissions were detected venting from condensate tank (CTK-1) and slop water tanks (STK-1 – STK-2), and/or pressure relief valves on the tanks' closed vent system, Apache failed to adhere to the representation that 98% of VOC emissions from CTK-1, STK-1 – STK-2, and flash tank off-gases from DEHY-1 and DEHY-2 are captured with a VRU, or that 100% of the VOC emissions are captured and routed to the enclosed flare (FL-1).
154. By failing to adhere to standard permit registration representations, for the Oil and Gas Standard Permit (Non-rule), effective November 8, 2012, at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS on September 11, 2019, Apache violated, 30 TAC §§ 116.615(2) and 122.122(b), which require adherence to standard permit representations with regard to construction, operations and emissions, including construction plans, operating procedures, pollution control methods, production, operational limits and maximum emission rates. 30 TAC §§ 116.615(2) and 122.122(b) state that it is unlawful for any person to vary from standard permit representations unless the registration is first revised, and it is unlawful for any person to vary from standard permit representations if the change will affect that person's right to claim a standard

permit. Apache varied from permit representations as discussed above regarding operations and emissions, including operating procedures, pollution control methods, operational limits and/or maximum emission rates, and the subject standard permit registration representations were not revised by Apache prior to the change. Varying from the representations eliminated Apache's right to claim the standard permit (see Count 1).

COUNT 3: Violation of 40 C.F.R. § 60.5395a(a)(2) for failure to reduce VOC emissions from storage vessel affected facilities by at least 95 percent at Bull Run CTB, Lee CTB, and Dixieland Lee CS on September 11, 2019.

155. As a result of Counts 1 and 2 above, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Bull Run CTB, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Lee CTB, and condensate tanks (CTK-1 – CTK-2) at Dixieland Lee CS are storage vessels that are not subject to any requirements under legally and practically enforceable limits in operating permits or other requirements established under a federal, state, local or tribal authority (other than NSPS OOOOa). As described in Count 4 below, the VRUs, storage vessels and closed vent systems are not designed and operated in compliance with the cover requirements specified in 40 C.F.R. § 60.5411a(b), and the closed vent system requirements specified in 40 C.F.R. § 60.5411a(c). Therefore, any vapor that is represented to be routed to a process through a VRU at Bull Run CTB, Lee CTB, and Dixieland Lee CS must be included in the determination of VOC potential to emit for purposes of determining affected facility status.
156. Apache's permit representations of potential VOC emissions (uncontrolled) listed in Tables 2-5 above indicate crude oil tanks (TK-1 - TK-4) and produced water gunbarrel tank (GB-1) at Bull Run CTB, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Lee CTB, and condensate tanks (CTK-1 – CTK-2) at Dixieland Lee CS, without the limitations of the standard permit, have potential for VOC emissions greater than 6 tpy and are therefore storage vessel affected facilities under NSPS Subpart OOOOa. Apache must therefore comply with NSPS OOOOa Storage Vessel Affected Facility VOC Standards of 40 C.F.R. § 60.5395a for the noted storage vessel affected facilities.
157. Apache failed to comply with 40 C.F.R. §§ 60.5395a(b)(1) and (d)(2), and 60.5415a(e)(3)(ii), by failing to comply with the control device requirements of 40 C.F.R. § 60.5412a(d), for a flare (FL-1 or FL-2) at Lee CTB, used to meet the emission reduction standard in § 60.5395a(a)(2), on September 11, 2019 (see Count 5). By failing to comply with the continuous compliance requirements of 40 C.F.R. § 60.5415a(e), Apache violated the emissions reduction requirement of 40 CFR § 60.5395a(a)(2).
158. Additionally, Apache violated 40 CFR § 60.5395a(a)(2) by failing to reduce VOC emissions by 95.0 percent from storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS on September 11, 2019, based on the venting VOC emissions detected by OGI as follows:

- a. Bull Run CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 - TK-4);
 - b. Lee CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or a pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 - TK-4), and venting from an unlit standard flare (FL-1 or FL-2), which controls VOC vapors from GB-1 and TK-1 – TK-4; and
 - c. Dixieland Lee CS, where VOC emissions were detected venting from condensate tanks (CTK-1 - CTK-2), and/or pressure relief valve(s) on the tanks' closed vent system.
159. By failing to reduce VOC emissions by 95.0 percent from storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS on September 11, 2019, Apache violated 40 C.F.R. § 60.5395a(a)(2), which requires VOC emissions from storage vessel affected facilities to be reduced by 95.0 percent, within 60 days of startup.

COUNT 4: Violation of 40 C.F.R. § 60.5395(b)(1), for failure to comply with the requirements of 40 C.F.R. § 60.5411a(b) for storage vessel covers on storage vessel affected facilities, and 40 C.F.R. § 60.5411a(c) for closed vent systems that are designed and operated to route emissions from storage vessel affected facilities to a control device or process, at Bull Run CTB, Lee CTB, and Dixieland Lee CS on September 11, 2019.

160. As described under Count 3 above, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Bull Run CTB, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Lee CTB, and condensate tanks (CTK-1 – CTK-2) at Dixieland Lee CS are storage vessel affected facilities under NSPS Subpart OOOOa and Apache must therefore comply with NSPS Subpart OOOOa Storage Vessel Affected Facility VOC Standards of 40 C.F.R. § 60.5395a for the noted storage vessel affected facilities.
161. In accordance with 40 C.F.R. § 60.5395a(b)(1), the storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS are subject to the control requirements for storage vessel covers at 40 C.F.R. § 60.5411a(b), and the control requirements for storage vessel closed vent systems at 40 C.F.R. § 60.5411a(c), because Apache must route the storage vessels' emissions to a control device or process to comply with the emissions reduction requirements of 40 C.F.R. § 60.5395a(a)(2).
162. Apache failed to comply with the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) for the storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS, because the covers and/or openings on the storage vessel covers (*e.g.*, access hatches, sampling ports, PRVs, or gauge wells) do not form a continuous

impermeable barrier over the entire surface area of the liquid in the storage vessels, as required by 40 C.F.R. § 60.5411a(b)(1), the storage vessel cover openings are not secured as required by 40 C.F.R. § 60.5411a(b)(2), and/or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains sealed and seated under normal operating conditions including such times when working, standing/breathing, and flash emissions are generated as required by 40 C.F.R. § 60.5411a(b)(3).

163. Apache failed to comply with the closed vent system requirements of 40 C.F.R. §§ 60.5411(c) for the storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS because the closed vent systems for the crude oil, produced water gunbarrel separator and condensate storage vessels are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessels to a control device or to a process, as required by 40 C.F.R. § 60.5411a(c)(1).
164. Apache failed to comply with the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) and the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) from storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS on September 11, 2019, based on the venting VOC emissions detected by OGI as follows:
- a. Bull Run CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 - TK-4);
 - b. Lee CTB, where VOC emissions were detected venting from a hatch on produced water gunbarrel separator tank (GB-1), and/or a pressure relief valve(s) on the closed vent system for GB-1 and crude oil tanks (TK-1 - TK-4), and venting from an unlit standard flare (FL-1 or FL-2), which controls VOC vapors from GB-1 and TK-1 – TK-4; and
 - c. Dixieland Lee CS, where VOC emissions were detected venting from condensate tanks (CTK-1 - CTK-2) and/or pressure relief valves on the closed vent system for CTK-1 – CTK-2.
165. By failing to comply with the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) and the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) for the storage vessel affected facilities at Bull Run CTB, Lee CTB, and Dixieland Lee CS, Apache violated the VOC standards for storage vessel affected facilities at 40 C.F.R. § 60.5395a(b)(1).

COUNT 5: Violation of 40 C.F.R. §§ 60.5395a(b)(1) and (d)(2), and 60.5415a(e)(3)(ii), for failure to comply with the control device requirements of 40 C.F.R. § 60.5412a(d)(1)(ii), (3) and (4), for a flare at Lee CTB, used to meet the emission reduction standard in § 60.5395a(a)(2), on September 11, 2019.

166. As described under Count 3 above, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Lee CTB are storage vessel affected facilities under NSPS Subpart OOOOa and Apache must therefore comply with NSPS OOOOa Storage Vessel Affected Facility VOC Standards of 40 C.F.R. § 60.5395a for the noted storage vessel affected facilities.
167. In accordance with 40 C.F.R. §§ 60.5395a(b)(1), (d)(2) and 60.5415a(e)(3)(ii), the emissions from the storage vessel affected facilities at Lee CTB must be routed to a control device that meets the conditions specified in 40 C.F.R. § 60.5412a(d), because Apache routes the storage vessels' emissions to a control device (that is not a carbon adsorption system) to comply with the emissions reduction requirements of 40 C.F.R. § 60.5395a(a)(2).
168. Apache failed to comply with the control device requirements of 40 C.F.R. § 60.5412a(d) at Lee CTB on September 11, 2019, because Apache failed to operate standard flares FL-1 or FL-2:
 - a. With a continuous burning pilot flame as required by 40 C.F.R. § 60.5412a(d)(1)(ii);
 - b. With a flame present at all times as required by 40 C.F.R. §§ 60.5412a(d)(3) and 60.18(b) and (c)(1); and
 - c. At all times when gases, vapors, and fumes are vented to it from storage vessel affected facilities through a closed vent system as required by 40 C.F.R. §§ 60.5412a(d)(4).
169. Apache failed to comply with the control device requirements of 40 C.F.R. § 60.5412a(d) at Lee CTB on September 11, 2019, based on the venting VOC emissions detected by OGI from unlit standard flare (FL-1 or FL-2), which controls VOC vapors from produced water gunbarrel separator tank (GB-1) and crude oil tanks (TK-1 – TK-4).
170. By failing to comply with the control device requirements of 40 C.F.R. § 60.5412a(d) at Lee CTB on September 11, 2019, Apache violated 40 C.F.R. §§ 60.5395a(b)(1), (d)(2) and 60.5415a(e)(3)(ii).

COUNT 6: Violation of 40 C.F.R. § 60.5370a(b) and 30 TAC §§ 116.115(b)(2)(G) and 116.615(9), for failure to properly maintain and operate facilities and air pollution control equipment at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS on September 11, 2019.

171. As described under Count 3 above, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Bull Run CTB, crude oil tanks (TK-1 - TK-4) and produced water gunbarrel separator tank (GB-1) at Lee CTB, and condensate tanks (CTK-1 – CTK-2) at Dixieland Lee CS are storage vessel affected facilities under NSPS Subpart OOOOa and Apache must comply with 40 C.F.R. § 60.5370a(b).

172. As a holder of a standard permit for Bull Run CTB, Lee CTB, Dixieland Lee CS and Dixieland Grant CS, Apache must comply with the general conditions of 30 TAC §§ 116.115(b)(2) and 116.615(9).
173. Apache violated 40 C.F.R. § 60.5370a(b) because Apache failed to maintain and operate the noted storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, as described under Counts 1-5 above, at Bull Run CTB, Lee CTB and Dixieland Lee CS on September 11, 2019.
174. Apache violated 30 TAC §§ 116.115(b)(2)(G) and 116.615(9) by operating the permitted facilities at Bull Run CTB, Lee CTB, Dixieland Lee CS and Dixieland Grant CS on September 11, 2019, as described in Counts 1-5 above, without all air pollution emission capture and abatement equipment maintained in good working order and operating properly during normal facility operations.

COUNT 7: Violation of 30 TAC §§ 122.121 and 122.130(b)(2) for operating emission units at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS, major sources as defined in 30 TAC § 122.10, without a Title V Federal Operating Permit, on September 11, 2019.

175. As a result of Counts 1 and 2 above, Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS are major sources because they each have a sitewide VOC potential to emit that is more than 100 tpy. By failing to satisfy the conditions of Oil and Gas Standard Permit (Non-rule), effective November 8, 2012, at Bull Run CTB, Lee CTB, Dixieland Lee CS and Dixieland Grant CS on September 11, 2019, and according to Authorized Facilities, Changes and Activities, paragraph (c)(3) of the Oil and Gas Standard Permit (Non-rule), Apache is ineligible for the standard permit. Therefore, Apache's standard permit representations for sitewide VOC maximum estimated emissions in Tables 2-5 above no longer apply, and do not limit the VOC potential to emit for Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS to less than 100 tpy.
176. Apache violated 30 TAC §§ 122.121 and 122.130(b)(2) at Bull Run CTB, Lee CTB, Dixieland Lee CS, and Dixieland Grant CS on September 11, 2019, by operating emission units at those major source sites without a Title V permit issued or granted under 30 TAC, Chapter 122.

V. Enforcement Provisions

177. Sections 113(a)(1) and (3) of the Act, 42 U.S.C §§ 7413(a)(1) and (3), provide the Administrator with several enforcement options to resolve these violations.
178. Sections 113(a)(1) and (3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3), provide that the Administrator may bring a judicial civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b), whenever, on the basis of any information available to the Administrator and following thirty (30) days' notice, the Administrator finds that any

person has violated or is in violation of any requirement or prohibition of the provisions of the Texas SIP.

179. Section 113(b) of the Act, 42 U.S.C. § 7413(b), as modified by the Federal Civil Penalties Inflation Adjustment Act of 1990, authorizes the Administrator to initiate a judicial enforcement action for a permanent or temporary injunction, and/or for a civil penalty of up to \$37,500 per day for each such violation occurring on or after January 13, 2009 until November 2, 2015, and up to \$101,439 for violations that occurred after November 2, 2015, where penalties are assessed on or after January 13, 2020, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701, 40 C.F.R. §19.4, and 85 Fed. Reg. 1,753 (Jan. 13, 2020), against any person who has violated, or is in violation of, inter alia, the requirements or prohibitions described in the preceding paragraph.

Carroll,
Thomas

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Thomas
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Date

Thomas P. Carroll, Acting Director
Air Enforcement Division
Office of Civil Enforcement